

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

SUSAN MAE POLK,

Plaintiff,

v.

JAMES CAVIN, et al.,

Defendants.

No. C 08-1483 MMC (PR)

**ORDER GRANTING PLAINTIFF'S
SECOND REQUEST FOR
EXTENSION OF TIME; DENYING
APPLICATION FOR PRELIMINARY
INJUNCTION**

(Docket No. 56)

Before the Court is plaintiff's second request for an extension of time, filed November 16, 2009, by which plaintiff seeks an additional 60 days in which to file opposition to the two motions to dismiss filed by defendants. In support thereof, plaintiff cites to her current placement in the Administrative Segregation Unit at the Valley State Prison for Women ("VSPW") and her consequent inability to access her legal materials.

Good cause appearing, plaintiff's request is hereby GRANTED. Within **sixty (60)** days of the date this order is filed, plaintiff shall serve on defendants and file with the court her opposition to each motion to dismiss. Defendants shall file a reply with **twenty (20)** days of the date they are served with plaintiff's opposition. The motions will be deemed submitted as of the date the replies are filed. No hearing will be held unless so ordered by the Court.


Also before the Court, brought in the above-referenced November 16, 2009 filing, is

1 plaintiff's application for a preliminary injunction, by which she seeks an order requiring
2 prison officials at VSPW to comply with prison regulations and provide plaintiff with access
3 to her legal materials so that she may oppose defendants' motions in a timely manner. The
4 Court cannot compel prison officials at VSPW to do so because said prison officials are not
5 parties to this action and no defendant is employed at VSPW. See Fed. R. Civ. P. 65(d)
6 (providing restraining order or order granting preliminary injunctive relief binds only parties
7 to the action, their officers, agents, servants, employees and attorneys, and those "in active
8 concert or participation with them who receive actual notice of the order by personal service
9 or otherwise."). Accordingly, plaintiff's application for a preliminary injunction is hereby
10 DENIED.

11 This order terminates Docket No. 56.

12 IT IS SO ORDERED.

13 DATED: December 7, 2009

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MAXINE M. CHESNEY
15 United States District Judge
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